

REMARKS

In response to the above-identified Final Office Action, Applicant amends the application and seeks reconsideration thereof.

I. Claims Rejected Under 35 U.S.C. § 103(a)

The Examiner's obligation in making a *prima facie* case of obviousness requires the Examiner to show that the prior art in combination teaches or suggests all elements of the claimed invention. Applicant respectfully submits that the Examiner has failed to set forth a *prima facie* case of obviousness.

The Examiner rejects claims 1-7, 9-17, 19-27 and 30-40 under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,343,327 ("Daniels") in view of U.S. Patent No. 5,937,162 ("Funk"). Applicant respectfully traverses this rejection.

A. Independent claims 1, 11, 21, 22 and 23 recite a feature for creating the electronic mail messages by the plurality of electronic mail delivery resources.

Neither Daniels nor Funk disclose that mail delivery resources create electronic mail messages. Creating messages with the mail delivery resources can drastically reduce the amount of information that needs to be transmitted to each resource. This feature is beneficial especially when tens of thousands or hundreds of thousands of email messages need to be transmitted as efficiently and quickly as possible.

In contrast, Daniels teaches that documents created by a mainframe computer 100 and then modified by the inclusion of an electronic insert (110) are provided as such to the message router 112, the outbound server 113 and, finally, the e-mail subsystem. Daniels, col. 3, lines 25-42 and col. 4, lines 1-14, and Figure 1. Likewise, Funk teaches that fully formed messages are transmitted to an outbound email processor 712, then to a "queue up" processor 910 and, finally, via network 917 to processor 925. Funk, col. 11, line 37 – col. 12, line 44, and Figure 9. Thus, neither Daniels nor Funk teach this feature of Applicant's claims.

Accordingly, independent claims 1, 11, 21, 22 and 23 are not rendered obvious by the cited art for at least these reasons. Claims 2-10 and 31-36 depend from claim 1. Claims 12-30 and 37-40 depend from claim 11. As such, the dependent claims are not obvious for at least the

reasons given in connection with the claims from which they depend. Applicant respectfully requests that the rejection of these claims be withdrawn.

B. Independent claim 24 recites in part, “a plurality of electronic mail delivery resources... capable of working in parallel to perform... generating electronic mail messages.”

As argued above, Daniels and Funk do teach or suggest this feature of Applicant's claims. Accordingly, independent claim 24 is not rendered obvious by the cited art for at least this reason. Claims 25-30 depend from claim 24. As such, the dependent claims are not obvious for at least the reasons given in connection with claim 24. Applicant respectfully requests that the rejection of these claims be withdrawn.

C. Independent claim 41 recites in part, “creating the electronic mail messages by the plurality of electronic mail delivery resources.”

The Examiner rejected claims 41-42 as being obvious in view of Daniels, Funk and U.S. Patent No. 5,835,762 (“Gans”). Applicant respectfully traverses this rejection.

As argued above, Daniels and Funk do teach or suggest this feature of Applicant's claims. Likewise, the cited portions of Gans do not remedy the deficiency in Daniels and Funk.

Accordingly independent claim 41 is not rendered obvious by the cited art for at least this reason. Claim 42 depends from claim 41. As such, the dependent claim is not obvious for at least the reasons given in connection with claim 41. Applicant respectfully requests that the rejection of these claims be withdrawn.

D. Claims 8, 18, 28 and 29 depend from claims that recite a feature for creating the electronic mail messages by the plurality of electronic mail delivery resources.

The Examiner rejected claims 8, 18, 28 and 29 as being obvious in view of Daniels, Funk and Gans. Applicant respectfully traverses this rejection.

Claim 8 depends from claim 1. Claim 18 depends from claim 11. Claims 28 and 29 depend from claim 24. As argued above, Daniels and Funk do teach or suggest this feature of Applicant's claims. The cited portions of Gans does not remedy the deficiency in Daniels and Funk.

Accordingly claims 8, 18, 28 and 29 are not obvious for at least the reasons given in connection with the claims from which they depend. Applicant respectfully requests that the rejection of these claims be withdrawn.

II. Conclusion

In view of the foregoing, it is believed that all claims now pending 1) are now in proper form; 2) are neither obvious or anticipated by the relied upon art of record, and 3) are in condition for allowance. A Notice of Allowance is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207-3800.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: 6/7/2005

By: 

Daniel J. Burns
Reg. No. 50,222

FLIESLER MEYER LLP
Four Embarcadero Center, Fourth Floor
San Francisco, California 94111-4156
Telephone: (415) 362-3800